

1  
2  
3  
4 **UNITED STATES DISTRICT COURT**  
5 **DISTRICT OF NEVADA**  
6

7 EDWARD C. ALLEN,

8 Plaintiff,

9 v.

10 WESTERN GOVERNORS UNIVERSITY, *et*  
11 *al.*,

12 Defendants.

Case No. 2:25-cv-00325-RFB-NJK

**Order**

[Docket No. 41]

13 Pending before the Court is Defendants' motion to stay discovery. Docket No. 41. Plaintiff  
14 did not file a response. *See* Docket. The motion is properly resolved without a hearing. *See* Local  
15 Rule 78-1.

16 The Court has broad discretionary power to control discovery. *See, e.g., Little v. City of*  
17 *Seattle*, 863 F.2d 681, 685 (9th Cir. 1988). "The Federal Rules of Civil Procedure do not provide  
18 for automatic or blanket stays of discovery when a potentially dispositive motion is pending."  
19 *Tradebay, LLC v. eBay, Inc.*, 278 F.R.D. 597, 601 (D. Nev. 2011). The party seeking a stay of  
20 discovery bears the burden of making a strong showing that discovery should be denied. *Turner*  
21 *Broad. Sys., Inc. v. Tracinda Corp.*, 175 F.R.D. 554, 556 (D. Nev. 1997). Discovery may be stayed  
22 when: (1) there is a pending motion that is potentially dispositive; (2) the potentially dispositive  
23 motion can be decided without additional discovery; and (3) the Court has taken a "preliminary  
24 peek" at the merits of the underlying motion and is convinced that Plaintiff will be unable to state  
25 a claim for relief. *Kor Media Group, LLC v. Green*, 294 F.R.D. 579, 581 (D. Nev. 2013).

26 The Court agrees with Defendants that these elements are present here. The motion is  
27 potentially dispositive of the case and may be decided without discovery. Moreover, the Court is  
28

1 convinced by the arguments presented in the motion to dismiss that Plaintiff will be unable to state  
2 a claim.<sup>1</sup>

3 Accordingly, the Court **GRANTS** the motion to stay discovery pending resolution of  
4 Defendants' motion to dismiss. Docket No. 41. In the event the underlying motion to dismiss is  
5 not granted in full, a joint discovery plan must be filed within 14 days of the resolution of the  
6 motion to dismiss.

7 IT IS SO ORDERED.

8 Dated: July 28, 2025

9  
10   
Nancy J. Koppe  
United States Magistrate Judge  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

---

25 <sup>1</sup> Conducting the preliminary peek puts the undersigned in an awkward position because  
26 the assigned district judge will decide the motion to dismiss and may have a different view of its  
27 merits. *See Tradebay*, 278 F.R.D. at 603. The undersigned's "preliminary peek" at the merits of  
28 the motion to dismiss is not intended to prejudice its outcome. *See id.* As a result, the undersigned  
will not provide a lengthy discussion of the merits of the pending motion to dismiss in this instance.  
Nonetheless, the undersigned has carefully reviewed the arguments presented in the underlying  
motion and subsequent briefing. *See* Dockets Nos. 34, 40, 46.